

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MARTIN F. VALLE §
VS. § CIVIL ACTION NO. 9:23cv89
MEDICAL DOCTOR, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Martin F. Valle, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against an unidentified medical doctor and the Lychner State Jail.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose.

Plaintiff complains of events which occurred at the Lychner State Jail, which is located in Harris County, Texas. As a result, plaintiff's claims arose in Harris County. In addition, the individual defendant appears to reside in Harris County. Pursuant to 28 U.S.C. § 124, Harris County is located in the Houston Division of the United States District Court for the Southern District of Texas. As a result, venue is not proper in this court.

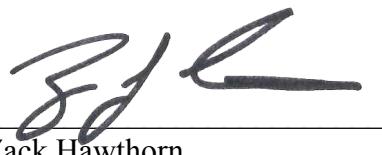
When a case is filed in the wrong district or division, the court "shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been

brought." 28 U.S.C. § 1406(a). As the proper venue for this action is the Southern District of Texas, this matter should be transferred to the Southern District.

ORDER

For the reasons set forth above, it is **ORDERED** that this case is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 15th day of May, 2023.



Zack Hawthorn
United States Magistrate Judge